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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,801	03/07/2007	Douglas H. Wylie	E1624-00004	6960

8933 7590 10/20/2009  
DUANE MORRIS LLP - Philadelphia  
IP DEPARTMENT  
30 SOUTH 17TH STREET  
PHILADELPHIA, PA 19103-4196

EXAMINER
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OLSZEWSKI, JOHN

ART UNIT	PAPER NUMBER
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3618

MAIL DATE	DELIVERY MODE
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10/20/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,801	<b>Applicant(s)</b> WYLIE ET AL.	
	<b>Examiner</b> JOHN R. OLSZEWSKI	<b>Art Unit</b> 3618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 15-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5-14 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12 May 2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. **Claims 15-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected method, there being no allowable generic or linking claim.** Election was made **without** traverse in the reply filed on 04 September, 2009.

### ***Drawings***

2. **The drawings are objected to under 37 CFR 1.83(a).** The drawings must show every feature of the invention specified in the claims. Therefore, the boss or detent must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**3. Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.** The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the boss or detent applicant includes in the specification, and claim 13 without any further elaboration thereon for one of ordinary skill in the art to be able to make or use the invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**4. Claims 6 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**5. Claims 1-2, 5, 7, 10-11, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Cann et al. (US 5,383,674).**

**[Claims 1, 7, 11, and 14]** Apparatus for attaching a replaceable blade to an ice skate, comprising: a holder adapted to be mounted to a boot (Figure 1); the holder including a fixed first portion (10) and a second portion (32) pivotally mounted to the first portion (via 24, 26, and 30); the first and second portions including means for securing a first end and a second end of the replaceable blade (Figures 1 and 2; Item 14), respectively, wherein the replaceable blade is under tension when the second portion is aligned with the first portion (when 32 is holding the second end of the blade it is aligned parallel with the back of the first portion 10), and the second portion is at an angle with respect to the first portion when the replaceable blade is free from tension (when the second portion 32 is disengaged from the second end of the blade it swings out to an angle away from parallel with the first portion 10); and the holder having a member for fixing the second portion in alignment with the first portion (26); **[claim 2]** The apparatus of claim 1, further comprising a latch (28) biased to automatically lock the second portion when the second portion is moved into alignment with the first portion; **[claim 5]** The apparatus of claim 1, wherein the latch or the second portion is shaped to receive a tool that is used to pry the latch loose (One could use a flat blade screwdriver to pry the latch out of its engaged position.); **[claim 10]** The ice skate of claim 7, wherein the engaging means

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include respective first and second slots (Figures 1, 2, and 5; Items 10 and 32) for engaging the first and a second end of the replaceable blade.

***Claim Rejections - 35 USC § 103***

**6. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cann et al. (US 5,383,674).**

**[Claim 8]** The ice skate of claim 7, wherein the second portion can be moved into alignment with the first portion while the replaceable blade is engaging the holder, by application of about 133 newtons (30 pounds) of downward force on the boot (Cann et al. fails to explicitly disclose the use of this amount of downward force, however, it has been held that it is within the general skill of one having ordinary skill in the art to determine the appropriate level of force to engage two items with one another, and therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to use this amount of force when engaging the blade with the holder.); **[claim 9]** The ice skate of claim 7, wherein the replaceable blade has approximately 890 newtons (200 lbs) of tension when the second portion is aligned with the first portion (Cann et al. fails to explicitly disclose the use of this amount of tension within the blade, however, it has been held that it is within the general skill of one having ordinary skill in the art to determine the appropriate level of tension in an ice skating blade, and therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to use this amount of tension when mounting a blade in a holder.).

***Allowable Subject Matter***

**7. Claims 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

**With regards to claims 3-4:**

- The allowable subject matter found in claim 3 that has not been found to have been taught or disclosed in the prior art found at this time is wherein the second portion has a slot through which the latch passes when the latch is locked in alignment with the first portion. Therefore claim 3 and any claims that depend therefrom are found to contain allowable subject matter.

***Conclusion***

**8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:**

- Pham et al. (US 2005/0212227), Chenevert (US 6,419,241), DeMars (US 5,123,664), Isely (US 3,947,050), Olivieri (US 5,088,749), Venier et al. (US 5,988,683, and Kidder (US 630,810)
  - Disclose structure similar to that claimed and disclosed by applicant

**9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN R. OLSZEWSKI whose telephone number is (571)272-2706. The examiner can normally be reached on M-Th 5:30AM-4PM.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. R. O./  
Examiner, Art Unit 3618

10/15/2009

/Paul N. Dickson/  
Supervisory Patent Examiner, Art Unit 3616